

REMARKS

In view of the above amendments and the following remarks, reconsideration of the objections and rejections set forth in the Office Action of May 23, 2003 is respectfully requested.

The Examiner has objected to the Amendment filed February 24, 2003 because the Examiner asserts that the newly-submitted claims introduce new matter into the disclosure. In particular, the Examiner asserts that the limitation "a spatial filter . . . for producing a first order Bessel beam from the erase light" is not supported by the original disclosure. In particular, the Examiner asserts that the original disclosure only supports the creation of a first-order Bessel beam from the erase beam emerging from the spatial filter using a phase plate, and does not describe that the spatial filter itself produces the first-order Bessel beam. In addition, the Examiner has rejected claims 74-80 under 35 USC § 112, first paragraph, as failing to comply with the written description requirement and the enablement requirement based on this same reasoning.

Without acquiescing to the Examiner's interpretation of the claim language, the claims have now been amended in view of the above objections and rejections. In particular, independent claim 74 has now been amended to eliminate the limitation describing that the condenser lens, the collimate lens, and the pinhole of the spatial feature are arranged "for producing a first-order Bessel beam from the erase light." In addition, dependent claim 75, which also included subject matter describing that the spatial filter produces a first-order Bessel beam, has also been cancelled. In view of these amendments, it is respectfully submitted that the Examiner's objection to the previous Amendment, as well as the Examiner's rejections of claims 74-80 under 35 USC § 112, have been overcome.

The Examiner has rejected independent claim 74 as being unpatentable over the Iketaki reference (USP 5,835,262) in view of the Fairley reference (USP 5,783,814). However, it appears that the Examiner has also indicated that dependent claims 75-80 would be allowable if the claims were redrafted to overcome the formal objections and the rejections under § 112 discussed above.

In view of the above, independent claim 74 has now been amended to incorporate the subject matter of allowable dependent claim 76, and dependent claims 75 and 76 have now been cancelled. Thus, in view of the Examiner's indication of allowable subject matter, it is respectfully submitted that

amended independent claim 74 and the claims that depend therefrom are now in condition for allowance.

The Examiner is requested to note that new dependent claims 81-86, which depend from amended independent claim 74, have now been added. These claims correspond to original non-elected dependent claims 27-30, 7, and 44, respectively. Although these claims have been added after final, the Examiner is respectfully requested to enter these dependent claims. Specifically, because these claims are dependent upon a base independent claim that should now be allowable in view of the Examiner's indication of allowable subject matter, and because a formal review of any non-elected claims dependent upon an allowable base independent claim would have been necessary at this time even if the original corresponding non-elected claims had not been cancelled, it is submitted that no additional search or consideration is necessary.

The Examiner's attention is also directed to new claims 87-97, including new independent claim 87. The Examiner is requested to note that claims 87-97 correspond to claims 74 and 77-86, respectively, but have been drafted to use means-plus-function language. In particular, the terms "overlap component" and "spatial filter" in claim 74 have been changed to "overlap means" and "spatial filtering means," respectively, in new independent claim 87. In addition, the term "phase modulation element" in claims 74, 77 and 78 has been changed to "phase modulation means" in claims 87, 88 and 89, the term "pulse width controller" in claims 80 and 81 has been changed to "pulse width control means" in claims 91 and 92, and the term "irradiating timing controller" in claims 82, 83 and 84 has been changed to "irradiating timing control means" in claims 93, 94 and 95. Because these new claims contain the allowable subject matter as indicated by the Examiner in the outstanding Office Action, it is submitted that these new claims are also clearly allowable. Furthermore, because these claims contain only the specific changes discussed above and include all of the allowable subject matter, it is submitted that no further search or consideration of these claims is necessary and the Examiner is respectfully requested to enter these claims.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. However, if the Examiner should have any comments or suggestions to help speed the prosecution of this application, the Examiner is requested to contact the Applicant's undersigned representative.

Respectfully submitted,

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October 8, 2003